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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 * * *

9 UNITED STATES OF AMERICA,) 2:16-CR-0046-GMN-PAL
10 Plaintiff,)
11 v.)
12 PETER SANTILLI,)
13 Defendant.)
14 _____)

15 **MOTION TO CONSOLIDATE AND COMMENCE TRIAL ON JUNE 26, 2017**

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17 Comes now, Defendant, PETER SANTILLI, by and through his attorney, Chris T.
18 Rasmussen, Esq., and hereby moves this Court to Consolidate Santilli.

19 DATED this 24th day of April, 2017

20 /s/ Chris T. Rasmussen

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28 Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

This Court originally broke the defendants into three trial groups. Dk. 1098. Santilli was assigned to Tier 1. However, the Tier 3 defendants were sent to trial prior to the Tier 1 defendants, as the Court believed they were the least culpable group.

Since this Order, a trial was completed with 50 of the 60 counts resulted in a mistrial. Specifically, the alleged conspiracy counts in which the jury did not find guilt.

The trial was filled with recordings of Santilli interviewing and broadcasting at or around Bunkerville, Nevada. Santilli's recordings were a focal point for the government to allege a conspiracy took place.

II. ARGUMENT

Exclusion of Another 180 Days Under the Speedy Trial Act Is Unreasonable

Santilli requests that this Court enforce the Speedy Trial Act and allow him to commence trial on June 26, 2017. The Court in it's most recent Order excluded 35 days and set Santilli for trial on June 26, 2017. Dk. 1872. The Court found "that this additional excluded time is necessary and reasonable due to the complexity of the case and outstanding motions that must be addressed prior to the start of the second trial." (See Court Order, Dk 1872, pg 3, Ins 7-9). The Speedy Trial Act requires a trial within 70 days, it will be over 540 days if Santilli is tried after Tier 3. See 18 U.S.C. 3161(c)(1).

The Court has cited the “ends of justice” provision of the Speedy Trial Act in excluding days in the past. Most recently the 35 days cited above. The ends of justice exclusion should be used sparingly and “may not be invoked in such a way as to circumvent” the purpose of the Speedy Trial Act. *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1155 (9th Cir. 2000).

Therefore, we request that this Court consolidate Santilli into the Tier 3 group of defendants.

Santilli's speech was utilized by the government throughout the recent trial. His interactions with Daniel Love the agent in charge of the operation were played for the jury along with other recordings. The government would not be prejudiced by adding Santilli

1 for purposes of the upcoming trial. The evidence from the first trial will not change with
2 Santilli except for few witnesses involving the allegation that Santilli interfered on April 9,
3 2014, when protesters were engaged by BLM officers on the roadway.

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DATED this 24th day of April, 2017.

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/s/ Chris T. Rasmussen

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